

# 2009-10 Legislative Session Wrap-up

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The City of Milwaukee's Intergovernmental Relations Division (IRD) recently completed its efforts during the 2009-10 Wisconsin Legislative Session. The following are some statistics regarding the City's legislative efforts.

- The Legislature introduced 1686 bills in the 2009-10 session, 978 in the Assembly and 708 in the Senate. IRD reviewed those bills and the City of Milwaukee registered on 158 (roughly 10%), including 94 Assembly bills and 64 Senate bills.
- Of all the bills that were introduced, the Governor signed 406 into law and vetoed 6. The City supported 21 of the bills that were enacted.
- Of the 106 items in the legislative package, 18 of the Acts that were signed into law or are awaiting action include items directly from the City of Milwaukee legislative agenda. Two others were items that the IRD team was authorized to pursue or support outside of the legislative package. (See attached)
- Additionally, another 10 items from the legislative package were introduced as bills but did not pass into law including booting, straw purchasing, property appraiser licensing. Another 14 items were drafted as bills but never introduced including red light running, parking tickets as prima facie evidence and billboard valuation. 16 items from the package were addressed during the budget and another 7 items were resolved administratively or some action was initiated.
- IRD was authorized to oppose 25 bills that were introduced. None of these bills passed to become law. Some examples of the bills we opposed include:
  - Water privatization restriction
  - Quality Based Selection process for engineering and design contracts
  - CCAP access restrictions
- IRD was authorized to register in support on 79 bills. Many of these were initiated from the legislative package as discussed above. There were an additional 7 bills that the City supported through separate Judiciary and Legislation action and 3 of these bills became law. They were:
  - Requiring day care van alarms Act 19
  - Felony for injury to law enforcement officer Act 251
  - Requires DOT to provide law enforcement with electronic access to photographs Act 167

## City of Milwaukee Legislative Priorities Enacted during the 2009-10 Session

The Wisconsin State Legislature adjourned its 2009-2010 session as of April 22, 2010. The Intergovernmental Relations Division (IRD) team was authorized to seek legislation as guided by the City's Legislative Agenda and additional priorities passed by resolution during the session. IRD was successful in securing passage of the following legislation sought by the City.

### ***Legislation that passed from the City's Legislative Agenda:***

#### **Wisconsin Act 2:**

- Prohibits Foreclosure Rescue Scams
- Provides protections for tenants in foreclosure actions.
- Plaintiff in a foreclosure action must notify tenants of the details of such action. Allows tenant to withhold rent for last period of occupancy equal to security deposit.
- Landlord must notify any potential tenants in writing of any foreclosure action that has been taken on the property.
- No information can be placed on the Wisconsin Circuit Court Access concerning removal of a tenant from a residential property if due to foreclosure of the property.
- Establishes licensure requirement for mortgage loan originators.

**Proposal from Legislative Agenda:** Reduce the impact from the foreclosure crisis; Support protections for tenants living in rental units involved in foreclosure proceeding; Support legislation prohibiting Foreclosure Rescue Scams and, Support better regulation of the Mortgage Broker Industry and high cost loans.

#### **Wisconsin Act 8:**

- Removes requirement that a person convicted of a drug violation will be subject to a mandatory driver's license suspension. The decision is left to the discretion of the court.

**Proposal from Legislative Agenda:** Support the Center for Driver's License Recovery efforts to repeal mandatory suspension following a criminal drug conviction.

#### **Wisconsin Act 12:**

- Prohibits smoking in certain specified "enclosed places".
- AB 720 modifies Act 12 with technical changes, including clarifying the definition of a solid wall.

**Proposal from Legislative Agenda:** Support a smoking ban in indoor public places only if applied statewide.

### **Wisconsin Act 18:**

- Allows board of city service commissioners to certify any number of the top scoring candidates to fill a civil service vacancy. Previously the law specified that 3 candidates be certified (5 for management positions).
- Requires that all persons on the list with the same test score be included on the same certification

**Proposal from Legislative Agenda:** Allow City of Milwaukee, Board of City Service Commissioners to establish by rule for the number of test scores to be used in certifying candidates from eligible lists.

### **Wisconsin Act 28 (Budget Bill – specific items from Legislative Agenda)**

- Allows city to extend a TIF for 1 year to improve housing stock – 75% to benefit affordable housing.
- Authorized Schools of Public Health and Freshwater Science
- Decreased Aid reduction to MPS for Milwaukee Parental Choice Program costs and increased high poverty aid to MPS.
- Changed state law from secondary to primary enforcement of seat belt law.
- Defines that residential rental property units owned by benevolent associations that are valued at 130% or greater of the county median property value are taxable.

### **Proposals from Legislative Agenda:**

- Support extension of TID increments for funding an affordable housing trust fund
- Fund a School of Public Health at UW-Milwaukee
- Support incentives to grow water-based industry in Milwaukee. Including creation and location of a UW Milwaukee School of Fresh Water Sciences.
- Correct the School Choice Funding Flaws
- Support primary enforcement of seatbelt laws.
- Protect Milwaukee's property tax base; support clarification of the rent-use language regarding benevolent associations in Ch. 70.11

### **Wisconsin Act 47**

- Changes from January 15 to September 30, the date when the debt amortization fund commission must make an annual report to the City of Milwaukee's Common Council. The information is typically not available until the middle of the year.
- Clarifies that the commission may use the fund to acquire city bonds, notes, and other securities. Previous statute did not specify city notes and other city securities.
- Specifies that as a means to cancel debt, the commission may use the fund to make interest and principal payments on general obligation bonds or notes, regardless of the maturity of the debt.

**Proposal from Legislative Agenda:** Update statutes related to the Public Debt Amortization Fund.

### **Wisconsin Act 50**

- Requires manufacturers of specified electronic devices sold in the state to recycle a targeted amount of such devices.
- The target is based on the manufacturer's sales of such devices in the state.
- The mandate is enforced through restrictions on sales and assessment of fees. A manufacturer can earn credits for recycling more than the target.
- Also establishes a ban on land filling and incineration of certain electronic devices.

**Proposal from Legislative Agenda:** Support "e-waste" legislation mandating manufacturer responsibility for recycling of consumer electronics.

### **Wisconsin Act 102**

- Makes court-ordered operating privilege revocation for a fourth offense OAR, OWS, or OWD permissive rather than mandatory.

**Proposal from Legislative Agenda:** Support the Center for Driver's License Recovery efforts regarding 4 critical policy measures regarding driving privileges, suspension, revocation

### **Wisconsin Act 103**

- Allows a court that suspends or revokes a person's operating privilege to take possession of a person's operator's license, but the court is not required to do so

**Proposal from Legislative Agenda:** Support the Center for Driver's License Recovery efforts regarding 4 critical policy measures regarding driving privileges, suspension, revocation

### **Wisconsin Act 147**

- For a city of the first class, removes the restriction from neighborhood improvement district assessments for properties with fewer than 8 residential units.
- Only those properties which are exempt from general property tax would continue to be restricted from such an assessment.

**Proposal from Legislative Agenda:** Allow for the collection of neighborhood improvement district (NID) special assessments from residential properties containing less than eight residential dwelling units.

### **Wisconsin Act 173**

- Repeals the statute providing that counties and cities were strictly liable for injuries to persons or property caused by a mob or riot within their jurisdiction
- Authorizes a first class city, consistent with other municipalities, to use the bidder prequalification procedure for public contracts.

**Proposal from Legislative Agenda:** Repeal City Liability for failure to control mob action that causes damage & Propose repealing last sentence of §66.0901(2) which prevents first class cities from prequalifying bidders.

#### **Wisconsin Act 188**

- Creates requirements for mortgage brokers in dealing with residential mortgage loan applicants.
- Requires the broker to present loan options in objective unbiased manner, restricts the broker from benefitting from any undisclosed remunerations, either direct or indirect, and requires the broker to account to the borrower for any money or property received as the borrower's agent.

**Proposal from Legislative Agenda:** Reduce the impact from the foreclosure crisis; and, Support better regulation of the Mortgage Broker Industry and high cost loans.

#### **Wisconsin Act 191**

- Allows the board of a retirement system in a city of the first class to determine by rule the conditions under which a employee retirement account is presumed abandoned and to determine the manner in which such funds can be used to reduce employer funding obligations to the retirement system.
- Abandoned ERS funds no longer subject to the custody of the State.

**Proposal from Legislative Agenda:** Seek legislation to allow us to retain unclaimed funds in the Employees' Retirement System Trust, rather than pay them to the State.

#### **Wisconsin Act 258**

- Requires mental health check as part of DOJ background check for handgun purchases.

**Proposal from Legislative Agenda:** Reduce illegal guns and improve public safety.

#### **Wisconsin Act 272**

- Expands the entities to which a political subdivision may make energy efficiency loans to include commercial and industrial premises located in the political subdivision
- Also authorizes a political subdivision to make similar loans for water efficiency improvements.

**Proposal from Legislative Agenda:** Support legislation to authorize the ME2 program.

#### **Wisconsin Act 402**

- Rewrites the statutes pertaining to municipal court administration and procedure.
- Allows the municipal court to order the assignment of up to 25 percent of the defendant's income, including lottery winning, for the payment of the judgment and provides procedural safeguards.

**Proposal from Legislative Agenda:** Seek legislation that would allow for assignment of income to pay municipal court judgments.

#### **Wisconsin Act 349**

- Allows for subpoenas and warrants requiring providers of electronic communications to provide customer information or disclose contents of wire or electronic communications.

**Proposal from Legislative Agenda:** Revise search warrant statute to allow for electronic communication search warrants

#### **Wisconsin Act 405 (partially vetoed)**

- Regulates payday loan industry.

**Proposal from Legislative Agenda:** Better regulate the pay day loan and small consumer loan industry

#### ***Legislation that passed from separate Council Resolutions:***

#### **Wisconsin Act 66**

- Allows a local governmental unit to adopt a resolution that allows the environmental remediation tax increments generated from one ERTID (donor) to be donated to pay for environmental remediation in another ERTID (recipient).
- The joint review board is still required to approve the resolution.

**Resolution directing IRD to:** Seek legislation allowing for an ERTID to donate tax increment to another ERTID.

#### **Wisconsin Act 207**

- Currently, for the library board of a public library established in a first class city, seven members constitute a quorum.
- Under this Act, a majority of the seats on the board that are currently filled constitutes a quorum.
- It also removes the requirement that the representative from the County Board of Supervisors cannot reside in the city.

**Resolution instructing IRD to:** Seek legislation to change the library board quorum requirements to be either seven members or a majority of the filled seats and to remove the requirement that the County Executive appointment must live in the county, but not live in the City.